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DEC 21 1944

CHARLES ELMORE OROPIA

IN THE

Supreme Court of the United States october term 1944

No. 7.26

TINDARO CHARLES GAGLIO,

Petitioner,

against

THE CITY OF NEW YORK.

Respondent.

BRIEF FOR RESPONDENT

December 23, 1944.

Ignatius M. Wilkinson,
Corporation Counsel,
Attorney for Defendant-Respondent,
385 Flatbush Avenue Extension,
Brooklyn, New York City.

Albert L. Wilbur, of Counsel.



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Point 1—Writ of certiorari should not be granted because the questions involved do not bring the case within the purview of the Federal statute governing issuance of the writ (28 U. S. C. A., Sec. 347-a) or of the Revised Rules of the Supreme Court of the United States (Rule 38, Sec. 5, subds. a, b, c)	
Point 2—The Federal Rules of Civil Practice (Rule 50-b) specifically authorize the Court to reserve decision and to set aside a jury verdict and direct judgment after verdict. The Trial Judge, in follow-	·
ing that rule, did not deny to the petitioner his right to trial by jury, as claimed by the petition (Point I, at p. 7)	1

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